

William A. Delgado (SBN 222666)
wdelgado@dtolaw.com
Justin T. Goodwin (SBN 278721)
jgoodwin@dtolaw.com
Alison D. Kehner (*admitted pro hac vice*)
akehner@dtolaw.com
DTO LAW
601 South Figueroa Street, Suite 2130
Los Angeles, CA 90017
Telephone: (213) 335-6999
Facsimile: (213) 335-7802

Attorneys for Defendants
CROWD MACHINE, INC., METAVINE, INC.,
and METAVINE PTY. LTD.

Appearances of Counsel Continued on Next Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

V.

CROWD MACHINE, INC., METAVINE, INC, and CRAIG DEREL SPROULE,

Defendants,

Case No.: 4:22-cv-00076-HSG

Hon. Haywood S. Gilliam, Jr.

**STIPULATION AND JOINT
STATEMENT TO REQUEST
MODIFICATION OF SCHEDULING
ORDER (ECF NO. 39) AND
EXTENSION OF DEADLINES
WITH ORDER (as modified)**

and

METAVINE PTY. LTD.,

Relief Defendant.

1 Adam B. Gottlieb (New York Bar No. 4399135)
2 gottlieba@sec.gov
3 Christopher J. Carney (District of Columbia Bar No. 472294)
4 carneyc@sec.gov
5 U.S. SECURITIES AND EXCHANGE COMMISSION
6 100 F Street, NE
7 Washington, DC 20549
8 Telephone: (202) 551-8299 (Gottlieb)

9
10 Attorneys for Plaintiff
11 SECURITIES AND EXCHANGE COMMISSION
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Defendants Crowd Machine, Inc. and Metavine, Inc., and Relief Defendant
 2 Metavine Pty, LTD (collectively “Defendants”), and Plaintiff United States
 3 Securities and Exchange Commission (“SEC”), hereby jointly submit the following
 4 Stipulation and Joint Statement pursuant to Local Civil Rules 6-1, 6-2, and 7-12,
 5 Federal Rule of Civil Procedure 16(b)(4), and paragraph 15 of this Court’s Standing
 6 Order, seeking modification of the Court’s July 31, 2023, order (ECF No. 39) to
 7 extend the deadlines therein, subject to the Court’s approval, by 14 days:

8 1. On March 23, 2022, the Court issued a Scheduling Order, setting this
 9 matter for a May 11, 2023 hearing on the amount of monetary relief owed. The
 10 Order also set forth interim deadlines for the completion of fact discovery, the
 11 exchange of expert reports and discovery, and a briefing schedule for the SEC’s
 12 motion for monetary relief.

13 2. On September 6, 2022, the Court granted the parties’ joint stipulation
 14 to extend the deadlines set forth in the Scheduling Order by approximately 90 days
 15 (ECF No. 31).

16 3. On December 19, 2022, the Court granted the parties’ joint stipulation
 17 to extend the deadlines set forth in the Scheduling Order by approximately 45 days.
 18 (ECF No. 36).

19 4. On July 31, 2023, the Court granted the parties’ joint stipulation to
 20 extend the deadlines set forth in the Scheduling Order by 14 days (ECF No. 39) to
 21 accommodate the SEC’s need for additional time to complete internal review and
 22 approval processes in connection with its then-forthcoming motion for monetary
 23 relief. As a result, the SEC’s motion for monetary relief was due August 18, 2023,
 24 with a hearing on the SEC’s motion scheduled for October 19, 2023. Defendants’
 25 response to the SEC’s motion for monetary relief is currently due September 15,
 26 2023.

27 5. As set forth in the following Joint Statement of Good Cause, the
 28 parties agree there is good cause to extend by 14 days the Defendants’ deadline to

1 file its response to the motion for monetary relief and all subsequent dates and
 2 deadlines in the Scheduling Order. Subject to the Court's approval, the parties
 3 propose that the hearing on the SEC's motion for monetary relief similarly be
 4 adjourned 14 days until November 2, 2023, at 2:00 p.m.

5

6 Joint Statement of Good Cause

7 6. Both fact discovery and expert discovery in this matter have now
 8 concluded. The SEC has filed its motion for monetary relief.

9 7. The sole remaining deadlines in this matter relate to the Defendants'
 10 response to the SEC's motion for monetary relief, currently due on September 15,
 11 2023, and the SEC's reply, due on September 29, 2023. A hearing on the SEC's
 12 motion for monetary relief is scheduled for October 19, 2023.

13 8. Defense counsel are currently engaged in a class action trial before
 14 Judge Alsup in the Northern District of California. The trial began on August 22,
 15 just two business days after the SEC filed its motion for monetary relief. Defense
 16 counsel have worked diligently on the instant matter. However, due to the time and
 17 resource commitment required by the class action trial, Defendants respectfully
 18 submit that an additional two weeks is necessary to adequately respond to the
 19 SEC's motion for monetary relief.

20 9. The parties therefore agree that, subject to the Court's approval, the
 21 Defendants' deadline to file its response to the SEC's motion for monetary relief and
 22 all subsequent dates and deadlines in the Scheduling Order be extended by 14 days.

23 10. The parties agree that this Joint Statement is made in good faith in
 24 the interest of judicial economy and is not for the purpose of delay.

25

26

27

28

Based on the foregoing, IT IS STIPULATED AND AGREED, by and between the parties and their undersigned counsel, that good cause exists for the deadlines set forth in the Court's order of July 31, 2023 (ECF No. 39) to be MODIFIED. The parties have conferred and jointly propose the following modifications to the current deadlines set forth in the Court's order of July 31, 2023:

Event	Current Date (ECF No. 39)	Proposed New Date
Deadline for Defendants and Relief Defendant to file response to SEC's motion for monetary relief	Sept. 15, 2023	Sept. 29, 2023
Deadline for SEC to file reply in support of motion for monetary relief	Sept. 29, 2023	Oct. 13, 2023
Hearing on SEC's motion for monetary relief	Oct. 19, 2023, at 2:00 p.m.	Nov. 2, 2023, at 2:00 p.m.

Dated: August 28, 2023

By: /s/ Justin T. Goodwin
Justin T. Goodwin

Attorney for Defendants
CROWD MACHINE, INC.,
META VINE, INC., and
META VINE PTY., LTD.

Dated: August 28, 2023

By: /s/ Adam B. Gottlieb
Adam B. Gottlieb

Adam B. Gottlieb

Attorney for Plaintiff
U.S. SECURITIES AND EXCHANGE
COMMISSION

CIVIL LOCAL RULE 5-1 ATTESTATION

Pursuant to Northern District of California Local Rule 5-1, I hereby attest that all other signatories listed above, on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

/s/ Justin T. Goodwin
Justin T. Goodwin

PURSUANT TO STIPULATION, IT IS SO ORDERED except the hearing will be held in-person on November 16, 2023 at 2:00 p.m. in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA.

DATED: 9/5/2023

Haywood S. Gilliam, Jr.
HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE